

A bill for an act

relating to all-terrain vehicles; providing for use of class 3 all-terrain vehicles by the state or political subdivisions of the state; amending Minnesota Statutes 2008, sections 84.92, subdivision 8, by adding a subdivision; 84.9256, subdivisions 1, 2; 84.9257; 84.926, subdivisions 4, 6; 84.928, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and includes a class 1 ~~all-terrain vehicle~~ and, class 2 ~~all-terrain vehicle~~, and class 3 all-terrain vehicle.

Sec. 2. Minnesota Statutes 2008, section 84.92, is amended by adding a subdivision to read:

Subd. 11. **Class 3 all-terrain vehicle.** "Class 3 all-terrain vehicle" means an all-terrain vehicle that is owned by the state or a political subdivision of the state and has a total dry weight of greater than 1,500 and less than 3,000 pounds.

Sec. 3. Minnesota Statutes 2008, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;  
(2) operate an all-terrain vehicle on a public road right-of-way in the state; or  
(3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than 16 years old, must:

(1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(e) A person at least 11 years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

(g) A person under 15 years of age shall not operate a class 2 or class 3 all-terrain vehicle.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

Sec. 4. Minnesota Statutes 2008, section 84.9256, subdivision 2, is amended to read:

Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall not ride as a passenger or as an operator of an all-terrain vehicle on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

(b) A person less than 18 years of age shall not ride as a passenger or as an operator of a class 2 or class 3 all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

Sec. 5. Minnesota Statutes 2008, section 84.9257, is amended to read:

**84.9257 PASSENGERS.**

(a) A person 18 years of age or older may operate a class 1 all-terrain vehicle carrying one passenger.

(b) A person 18 years of age or older may operate a class 2 or class 3 all-terrain vehicle while carrying a passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater.

Sec. 6. Minnesota Statutes 2008, section 84.926, subdivision 4, is amended to read:

Subd. 4. **Off-road and all-terrain vehicles; limited or managed forests; trails.** Notwithstanding section 84.777, but subject to the commissioner's authority under subdivision 5, on state forest lands classified as limited or managed, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter 168 or section 84.798 or 84.922, including class 2 or class 3 all-terrain vehicles, on forest trails that are not designated for a specific use when:

(1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license;

(2) retrieving big game in September, when in possession of a valid big game hunting license;

(3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or

(4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license.

Sec. 7. Minnesota Statutes 2008, section 84.926, subdivision 6, is amended to read:

Subd. 6. **Operation; class 2 or class 3 vehicles.** Except as provided in subdivision 4, operation of class 2 or class 3 all-terrain vehicles on lands administered by the commissioner is limited to forest roads, minimum maintenance roads, and trails designated or signed for class 2 or class 3 all-terrain vehicles.

Sec. 8. Minnesota Statutes 2008, section 84.928, subdivision 1, is amended to read:

Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise allowed in sections 84.92 to 84.929, a person shall not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

(b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway unless prohibited under paragraph (d) or (f).

(c) A person may operate a class 2 or class 3 all-terrain vehicle within the public road right-of-way of a county state-aid or county highway on the extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may operate a class 2 or class 3 all-terrain vehicle on the bank or ditch of a public road right-of-way on a designated class 2 or class 3 all-terrain vehicle trail.

(d) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles in the public road right-of-way under its jurisdiction.

(e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside bank or slope of a trunk, interstate, county state-aid, or county highway when the all-terrain vehicle is:

(1) owned by or operated under contract with a publicly or privately owned utility or pipeline company; and

(2) used for work on utilities or pipelines.

(f) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:

(1) degradation of vegetation on adjacent public property;

(2) siltation of waters of the state;

(3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the right-of-way users or to individuals on adjacent public property.

The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.

(g) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand

5.1 side of the road, and left turns may be made from any part of the road if it is safe to do so  
5.2 under the prevailing conditions.

5.3 (h) A person shall not operate an all-terrain vehicle within the public road  
5.4 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in  
5.5 the agricultural zone unless the vehicle is being used exclusively as transportation to and  
5.6 from work on agricultural lands. This paragraph does not apply to an agent or employee  
5.7 of a road authority, as defined in section 160.02, subdivision 25, or the Department of  
5.8 Natural Resources when performing or exercising official duties or powers.

5.9 (i) A person shall not operate an all-terrain vehicle within the public road  
5.10 right-of-way of a trunk, county state-aid, or county highway between the hours of one-half  
5.11 hour after sunset to one-half hour before sunrise, except on the right-hand side of the  
5.12 right-of-way and in the same direction as the highway traffic on the nearest lane of the  
5.13 adjacent roadway.

5.14 (j) A person shall not operate an all-terrain vehicle at any time within the  
5.15 right-of-way of an interstate highway or freeway within this state.